

From: ACCEPT LGBT – CYPRUS

P.O.Box 25561
1310, Nicosia, Cyprus
+357 99812343
info@acceptcy.org



ENVISION DIVERSITY ASSOCIATION

M A Kucuk Cad Dev Sosyal
Konutlar Apt 8B, No: 32
Kermiya, Lefkosa, Cyprus
envision.diversity2015@gmail.com

**To: COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION**

Office of the United Nations High Commissioner
for Human Rights (OHCHR)
Palais Wilson, Rue des Pâquis 52
CH-1201 Geneva, Switzerland.

13 February, 2017

BY E-MAIL TO: cerd@ohchr.org

Dear all,

Subject: List of Issues – Cyprus – April/May 2017 CERD Session

Kindly find below our recommendations in relation to questions to be raised to the government of the Republic of Cyprus, in connection with the List of Issues, in view of the consideration of the periodic reports of Cyprus during the 24 April 2017 – 12 May 2017 Session of the Committee on the Elimination of Racial Discrimination:

Article 1: Equal enjoyment or exercise of human rights and fundamental freedoms

Situation in the areas under the effective control of the government

1. While the Suppression of Racial and Other Forms of Discrimination (Commissioner) Law (Law no. 42(I)/2004) appears to go beyond the grounds provided for in Article 1 of the Convention by also including

religion, beliefs, community, language, disabilities, age and sexual orientation, we note that the said legislation fails to also cover gender identity, within the context of intersectionality, which we find pivotal in filling the existing gaps in the protection against hetero- as well as cissexist discrimination against people who require protection under Article 1;

2. We note that the scope of the said prohibition is limited to employment and certain social fields, but fails to cover the enjoyment of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life; and
3. We note that no comprehensive equality and/or anti-discrimination legislation has been adopted yet, as per the recommendation in the Concluding observations on the seventeenth to twenty-second periodic reports of Cyprus, adopted by the Committee at its eighty-third session (12-30 August 2013), and that the legislation remains fragmented, and in particular failing to address adequately discrimination against LGBTI persons in all aspects of private and public life.

Situation in the North

4. We note that there is no comprehensive legislation or social policy in relation to discrimination on grounds of ethnicity, race, gender and sexual orientation in the North.

Articles 2 and 5: Policy, legislation and equality before the law

Situation in the areas under the effective control of the government

1. We note the necessity to adopt a timeframe for a new policy and/or legislative framework ensuring equality of trans* and inter* persons before the law;

2. We note that there is no, or only inadequate, policy on sensitivity training for police and security forces, particularly in relation to LGBTI persons and/or hate crimes committed against persons on grounds of sexual orientation and/or gender identity;
3. We note the necessity to revoke the Don't Ask/Don't Tell policy in relation to service in the National Guard and/or to address the issue of exclusion and/or homophobic and/or transphobic bullying in the National Guard; and
4. We request clarification as to what is the policy of the state party and/or the measures that it takes in order to protect asylum seekers from (sexual) harassment assaults and/or physical and/or psychological violence and/or rape that they may be confronted with in reception centres and/or refugee accommodation on grounds of sexual orientation and/or gender identity.

Situation in the North

5. We note the necessity to adopt a timeframe for a new policy and/or legislative framework ensuring equality of trans* and inter* persons before the law in the North;
6. We note the necessity to eliminate all forms of discrimination for LGBTI persons in political, social, educational and work life;
7. We note the necessity to train the police and the security forces in the North, particularly in relation to LGBTI persons and/or hate crimes committed against persons on grounds of sexual orientation and/or gender identity;

8. We note the necessity for the authorities in the North to eliminate unlawful deportation of individuals who have been diagnosed with HIV and to provide for access to health; and
9. We stress the importance of eliminating the gross discrimination against transgender persons to sexual health.

Article 4: Incitement to acts of discrimination and hate speech

Situation in the areas under the effective control of the government

1. Given the 2015 amendment to the Criminal Code Law, Cap. 154, which criminalises incitement to violence or hatred on the grounds of sexual orientation or gender identity, we note the need for the state party to encourage the prosecutorial authorities to take an active stance in prosecuting perpetrators, particularly having in mind the recent public incitement to hatred by the Archbishop of the Greek-Orthodox Autocephalous Church of Cyprus which has been ignored by prosecutorial authorities.

Situation in the North

2. We note the unwillingness of prosecutors in the North to take an active stance in prosecuting perpetrators, particularly having in mind the recent public incitement to hatred and hate speech practiced by some journalists publicly, which were grossly neglected or ignored and no legal action or any form of deterring action for such practices was taken.

Article 7: Education

1. We note that the state party needs to provide for an inclusive education system demonstrating sensitivity to the particularities of individual students, such as race, colour, descent, or national or ethnic origin,

religion, beliefs, community, language, disabilities, sexual orientation and gender identity, given the currently contradictory educational focus on social homogeneity (Orthodox – white – Greek-speaking – heterosexual – cisgender), which comes in stark contrast with the diversity and pluralism of Cypriot society; and

2. We note the need for the state party to develop a policy in relation to the rights of children that may suffer from intersectional and multi-dimensional discrimination that includes a migration background aggravated by additional factors, such as sexual orientation and/or gender identity.

Situation in the North

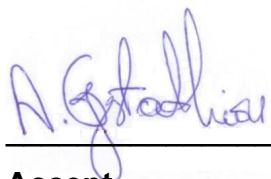
3. We note the educational focus on social homogeneity (heterosexual – cisgender), which comes in stark contrast with the diversity and pluralism of the society in the North;
4. We note the lack of policy in the North in relation to the rights of children that may suffer from intersectional and multi-dimensional discrimination that includes a migration background aggravated by additional factors, such as sexual orientation and/or gender identity; and
5. We note the lack of minimal legal protection in the North in relation to access to education, pursuant to “residence permits of their parents or guardians”.

Thank you very much in advance for the consideration of our submission in relation to the List of Issues for Cyprus.

For any further clarifications, kindly contact:

- Accept – LGBT Cyprus at alexandros@acceptcy.org; or
- Envision Diversity Association at envision.diversity2015@gmail.com

Kind regards,



**Accept
LGBT Cyprus**



**Envision Diversity
Association**